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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,776	10/12/2005	Jakob Gerrit Nijboer	NL 030432	2130
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EXAMINER				
CHU, KIM KWOK				
ART UNIT		PAPER NUMBER		
2627				
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07/21/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/552,776

Applicant(s)

NIJBOER ET AL.

Examiner

Kim-Kwok CHU

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed on 4/23/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2008 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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Arrangement of the Specification

1. As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

(a) TITLE OF THE INVENTION.

(b) CROSS-REFERENCE TO RELATED APPLICATIONS.

(c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.

(d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.

(e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.

(f) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(g) BRIEF SUMMARY OF THE INVENTION.

(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(i) DETAILED DESCRIPTION OF THE INVENTION.

(j) CLAIM OR CLAIMS (commencing on a separate sheet).

(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

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Drawings Objection

2. The drawings are objected to because Figs. 1a and 1b should be labeled "PRIOR ART". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application.

Claim Objections

3. Claim 1 is objected to because of the following informalities:

In Claim 1, line 8, 1the term "the controlling means are adapted to record" should be changed to --the write means are adapted to record-- because the claimed writing means, not the controlling means, are defined as "for recording the data and the data structure".

Appropriate correction is required.

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Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claim 1, lines 13 and 14, the phrase "predetermined fixed location is predefined for a rewritable storage medium" is not clear because the claimed device is for recording data and data structure on a write-once medium. In other words, it is not clear how the claimed "predetermined fixed location" is predefined/referred to a rewritable medium instead of the write-once storage medium.

Similarly, in each of Claims 4, 7 and 8, the phrase "predetermined fixed location is predefined for a rewritable storage medium" is not clear because the claimed device is for recording data and data structure on a write-once medium.

The claims not specifically mentioned above are rejected because these claims are dependent on the rejected base claims.

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Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless -
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.*

7. Claims 1-10 are rejected under 35 U.S.C. § 102(e) as being anticipated by Shin (U.S. Patent 6,529,458).

8. Shin teaches a data recording device having all of the means as recited in claims 1-3. For example, Shin teaches the following:

Regarding Claim 1, a device (Fig. 3) for recording data and data structures on a write-once storage medium (Fig. 5; column 4, lines 43 and 44), the data structures comprising space bit map (file system, column 5, lines 10-12) and defect management structures (Fig. 5; DMA areas), the device comprising writing means (Fig. 3; pickup) for recording the data and the data structures (Fig. 5); controlling means (Fig. 3; data processor and microcomputer) for generating the data structures and controlling the writing means (Fig. 5; column 3, lines 35-39); wherein the controlling means are adapted to record (generating)

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the data structures (such as file system; positional information of the defective areas and DMAs) at a predefined temporary location (Fig. 5; DMA, reserve areas) in a reserved area (lead-in) on the write-once storage medium and to finalize (Fig. 9; step 910) the write-once storage medium by recording the data structures (Fig. 9; positional information; step 905) at a predefined fixed location (data area) on the write-once storage medium, wherein the predefined fixed location is predefined for a rewritable storage medium (such as UDF file system of a DVD-RAM)), wherein the predefined fixed location (in data area; step 909) is a different location than the predefined temporary location (lead-in area).

Regarding to Claim 2, the controlling means (Fig. 3) are adapted to finalize the write-once storage medium by recording dummy data in all free parts of the reserved area (defective management operation).

Regarding to Claim 3, the controlling means are adapted to read the data structures from the predefined temporary location and to record the data structures at the predefined fixed location (Fig. 6).

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9. Method claims 4-6 are drawn to the method of using the corresponding apparatus claimed in claims 1-3. Therefore method claims 4-6 correspond to apparatus claims 1-3 and are rejected for the same reason of anticipation as used above.

10. Claim 7 has limitations similar to those treated in the above rejection, and is met by the reference as discussed above.

11. Claims 8-10 have limitations similar to those treated in the above rejection, and are met by the references as discussed above. Claim 8 however also recites the following limitation "a computer program product" which is also taught in the cited reference of Shin as illustrated in Figs. 6 and 9 where the flow operation of recording and reading data is a computer program product which drives the data processor and microcomputer as illustrated in Fig. 3.

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Related Prior Art

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kim et al. (6,922,802) is pertinent because Kim teaches a defective management operation.

Ko et al. (6,804,797) is pertinent because Ko teaches a defective management operation.

Response to Remarks

13. Applicant's Remarks filed on April 23, 2009 have been fully considered.

A newly found reference of Shin (U.S. Patent 6,529,458) is cited as a prior art which discloses all the limitations of Claims 1-10. For example, Shin teaches an operation for writing positional information on one or more detective areas on a particular position of an user area.

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14. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kim CHU whose telephone number is (571) 272-7585 between 9:30 am to 6:00 pm, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen, can be reached on (571) 272-7579.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished application is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9191 (toll free).

/Kim-Kwok CHU/
Examiner AU2627
July 7, 2009
(571) 272-7585

/HOA T NGUYEN/

Supervisory Patent Examiner, Art Unit 2627